



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.14629 of 2015

1 JOHNSON SAMUVEL @ MARISVEL ALAGAN
2 RAJA KANI

..PETITIONERS/ACCUSED NOS.1 AND 2

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILATHIKULAM, IN CRIME NO. 4/2014,
TUTICORIN DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.M.SUBASH BABU Advocate
For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

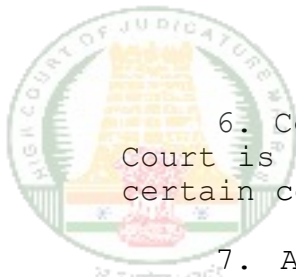
The petitioners who are arrayed as A1 and A2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 406 IPC, in Crime No.4 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant the first accused has received 47 sovereigns of gold and also a sum of Rs.1,67,775/- from the de-facto complainant and subsequently absconded leaving the child with her.

3. The learned Counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submits that the first petitioner filed I.D.O.P.No.248 of 2013 before the District Court, Tuticorin, against the de-facto complainant and the same was allowed on 22.07.2013. He further submits that on 03.06.2014, the de-facto complainant and her relatives break-open the first petitioner's house and taken away 40 sovereigns of gold and cash of Rs.75,000/- and 11 goats for which, the case was registered against them in Crime No.189 of 2014 and a civil suit in O.S.No.61 of 2014 is also pending for consideration.

4. The learned Government Advocate (Criminal side) submits that the accused have misappropriated the properties of the de-facto complainant and the second petitioner is a mentally retarded and she is a senior citizen aged about 70 years.

<https://hcservices.ecourts.gov.in/hcservices/> The learned Counsel appearing for the petitioners and the learned Counsel Government Advocate (Criminal side) appearing for the respondent.



6. Considering the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Vilathikulam, on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required and the second petitioner shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

04/08/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VILATHIKULAM,
TUTICORIN DISTRICT.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.44077

Akm/05.08.2015 /2p-6c/

ORDER

IN

CRL OP(MD) No.14629 of 2015

Date :04/08/2015